

ENTERED

October 04, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JARVIS DUGAS,

Plaintiff,

VS.

JUAN QUINTERO, *et al*,

Defendants.

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CIVIL ACTION NO. 2:17-CV-48

ORDER ON PENDING MOTIONS

In this prisoner civil rights action, Plaintiff Jarvis Dugas raises Eighth Amendment claims of excessive force and deliberate indifference. Now pending are Dugas's "Motion 60(b) Error at Law" (D.E. 172), "Motion 60(b) for Relief from Judgment" (D.E. 173), and motions seeking relief under Rule 59(e) and 60(b) (D.E. 175, 176).

On February 25, 2019, the undersigned issued a Memorandum and Recommendation ("M&R") recommending, in sum, that Dugas's claims against Defendants Lorie Davis, Donna Pfannstiel, and Erick Echavarry be dismissed with prejudice, but that Defendant Sergeant Juan Quintero's motion for summary judgment be denied with respect to Dugas's excessive force claim against him in his individual capacity. (D.E. 93 at 31-32). On March 25, 2019, the District Court adopted in part the M&R and allowed Defendants Quintero and Echavarry leave to file motions for summary judgment on issues not previously addressed. (D.E. 114 at 1-4).


Dugas subsequently filed several motions to alter or amend judgment under Federal Rule of Civil Procedure Rule 59(e). (D.E. 115, 118, 121). On May 3, 2019, the

undersigned issued an M&R recommending that the Rule 59 motions be denied. (D.E. 128). Defendants Quintero and Echavarry moved for summary judgment on the remaining claims (D.E. 123, 125). Plaintiff responded in opposition (D.E. 133, 136, 157, 159). The undersigned recently issued a Memorandum and Recommendation addressing these summary judgment motions. (D.E. 177)

Dugas previously filed several motions (D.E. 145, 146, 147, 150, 151, 155, 156, and 158) which the undersigned construed as objections to the May 3, 2019's recommendations that his Rule 59(e) motions be denied. (D.E. 152, 160). In Orders entered on July 2 and 22, 2019, respectively the undersigned terminated these motions insofar as they purported to be motions. (D.E. 152, 160). On August 28, 2019, the District Court adopted the May 2019 M&R, rejecting each of Dugas's objections raised in his various filings. (D.E. 168).

A review of Dugas's motions reveal that he objects to both the District Court's August 28, 2019 Order and the May 2019 M&R by reiterating arguments raised in prior motions. (D.E. 172, 173, 175, 176). Because Dugas's arguments in these motions have already been considered and rejected by the District Court when it adopted the May 2019 M&R and he raises nothing new, his motions (D.E. 172, 173, 175, 176) are DENIED as moot.

ORDERED this 4th day of October, 2019.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE